W.P.(C) No.213 of 2002

29.9.2015 Petitioner has approached this Court for issuance of direction upon the opposite parties for grant of release of family pension and T.I.

It has been submitted by learned counsel for the petitioner that late husband of the petitioner namely Rama Chandra Dalai was working as Primary School Teacher in N uagada Circle under the District Inspector of Schools, Parlakhemundi and died on 22.8.1972.

Learned counsel for the petitioner further submits that the petitioner is entitled for pensionary benefits in view of the terms and conditions of the Orissa Aided Educational Institutions (Non-Government Fully Aided Primary School Teachers) Retirement Bene fit (Amendment) Rules,1998.

It has already been settled by this Court in the case of Subarna Dib ya and others vs- State of Orissa and others reported in 2005(I) OLR 168 wherein at paragraph-20 it has been held:

All the members of teaching and non-teaching staff of recognized non-government high s chools which came under the direct payment system are governed by the Orissa Aided Educational Institutions Employees Retirement Benefit Rules,1981, which came into force with effect from 1.4.1982. Sub-rule(2) of Rule-8 of the said Rules stipulates that an employee shall be eligibl e for pension if the period of his qualifying service up to the date of his retirement is 10 y ears or more. The rate of pension was also stipulated in the said Rules.

Without entering into the arena of controversy, it would suffice to hold that the family of a member of teaching and non-teaching staff of an aided educational high school, who was otherwise eligible to receive pension, shall receive family pension in consonance wit h amended Rules.

Order passed in the case of Subarna Dibya and others vs- State of Oris sa and others referred to above has been challenged before the Honble Supreme Court being S.L. P.14265-14326 of 2005 and the same has been disposed of vide order dated 19.2.2015.

In the circumstances, learned counsel for the petitioner prays for iss uance of direction for release of family pension.

Learned counsel for the opposite parties submits that the case of the petitioner may be considered in the light of the decision referred to above and if the petiti oner is entitled to get family pension, the same shall be released in favour of the petitioner .

On such submission and without going into merits of the case, the writ petition is disposed of giving liberty to the petitioner to approach before the opposite par ty no.1, Secretary, School and Mass Education Department,Bhubaneswar bringing therein the ent ire facts along with supported documents enclosing copy of the judgment in the case of Subarna Dibya and others vs- State of Orissa and others reported in 2005(I) OLR 168 within a period o f three weeks from the date of receipt of copy of this order.

On receipt of such representation, opposite party no.1 shall take deci sion within reasonable period, preferably within period of six weeks from the date of presenta tion of such representation.

If the authority finds that the petitioner is entitled to get famil y pension, monetary benefits shall be released in favour of the petitioner within reasonable p eriod, preferably within period of further period of four weeks.

If the authority finds that the petitioner is not entitled to any mone tary benefits, same shall be communicated to the petitioner within the said period by passing a speaking order.

With the aforesaid observations and directions, the writ petition is d isposed of.

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S.N.Prasad, J.